

**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Introduce Ordinance Amending Lodi Municipal Code Chapter 13.16, "Solid Waste," by Repealing and Reenacting Section 13.16.010 Definitions

MEETING DATE: July 16, 2008

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Approve the introduction of an ordinance amending Chapter 13.16, "Solid Waste," by repealing and reenacting Section 13.16.010 Definitions to the Lodi Municipal Code (LMC).

BACKGROUND INFORMATION: The current LMC chapter regarding solid waste is in need of revision of its definitions under Section 13.16.010. The attachment shows the changes made to the current solid waste section of the Municipal Code that would make up the reenacted code. The changes are:

- Revise definition of industrial waste, which is not included in the exclusive solid waste franchise. The previous definition did not make clear that waste must originate within City limits to be classified as industrial waste. For example, businesses outside of the City limits that are considered industrial often warehouse their products at locations within the City limits. By revising this definition, it will make clear that warehousing materials produced by an industrial business that is outside of the City limits does not make it exempt from the exclusive solid waste franchise.
- Add definition for construction/demolition waste. Construction/demolition waste is considered industrial waste and is mentioned in both the industrial customer and industrial waste definitions yet was not listed under the definition section of the code

FISCAL IMPACT: None.

FUNDING AVAILABLE: Not applicable.


F. Wally Sandelin
Public Works Director

FWS/pmf

Attachment

cc: Thorn Sanchez. Waste Management

APPROVED: 
Blair King, City Manager

13.16.010 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, the following definitions apply:

- A. "Collection" means the act of collecting refuse at the place of waste generation by an approved collection agent (public or private), and is distinguished from "removal."
- B. "Collection vehicle or equipment" means and includes any vehicle or equipment used in the collection of residential refuse or commercial or industrial solid wastes.
- C. "Commercial customers" means all commercial (non-manufacturing) enterprises within the city limits except industrial customers.
- D. "Construction/Demolition waste" means used or discarded materials generated within the city limits during the construction, remodeling, renovation or demolition on residential and commercial buildings and any other structure or pavement.
- E. "Container service" means the type of refuse removal consisting of containers ranging from one cubic yard to fifty cubic yards, typically for large volume refuse generators.
- F. "Contract" means the written agreement covering the performance of the work, including, but not limited to, the formal agreement, and special provisions, affidavits and certificates of equal opportunity employment, certificate of worker's compensation insurance, the proposal, contract specifications and performance bond.
- G. "Contractor" means the individual, partnership, corporation, joint venture or other legal entity entering into a contract with the city to perform the work. When modified by the phrase "as constituted," it means the partnership, corporation or other legal entity as organized and existing, with the same majority shareholders, as determined at the time of the execution of a contract between the contractor and the city.
- H. "Disposal site" means and includes the place, location, tract of land, area or premises in use, intended to be used, or which has been used for the landfill disposal of solid wastes.
- I. "Garden (green) waste" means refuse consisting of grass, leaves, wood chips, green plants, weeds, tree branches and garden trimmings.
- J. "Industrial customer" means all manufacturing enterprises that generate industrial waste within the city limits except commercial customers. The city manager or other designee shall determine whether a customer is "industrial" or "commercial".
- K. "Industrial waste" means solid waste originating from manufacturing facilities and factories within the city limits including construction and demolition projects. Industrial waste also means solid waste produced by any person, firm or corporation primarily engaged in the business of processing and manufacturing for the purpose of wholesale.
- L. "Multi-cart service" means the type of refuse removal designed for source separating into three carts. One cart for non-recyclable materials and non-green waste, one cart for recyclable materials and one cart for green waste. This type of service is generally for lower volume refuse generators with carts of less than one hundred gallons.
- M. "Recycling" means the process by which salvaged materials become usable products.
- N. "Refuse" means any and all discarded items and substances of every kind, including salvageable or recyclable materials, and garden (green) wastes, but not including sewage, septic tank contents, infectious wastes, or hazardous wastes as defined by state and/or federal law.
- O. "Removal" means the act of taking solid wastes from the place of waste generation either by an approved collection agent or by a person in control of the premises.
- P. "Residential customer" means all residences within the city limits, including single-family and multi-family dwellings.
- Q. "Subcontractor" means the individual, partnership or corporation or other legal entity entering into a contract with the contractor to perform a portion of the work.
- R. "Transfer station/resource recovery facility" means and includes those facilities utilized to receive solid wastes, temporarily store, separate, convert or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport to their final place of disposition. (Ord. 1709 § 1 (part), 2002)

13.16.010 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, the following definitions apply:

A. 'Collection' means the act of collecting refuse at the place of waste generation by an approved collection agent (public or private), and is distinguished from 'removal':

B. 'Collection vehicle or equipment' means and includes any vehicle or equipment used in the collection of residential refuse or commercial or industrial solid wastes.

C. 'Commercial customers' means all commercial (non-manufacturing) enterprises within the city limits except industrial customers

D. "Construction/Demolition waste" means used or discarded materials generated within the city limits during the construction, remodeling, renovation or demolition on residential and commercial buildings and any other structure or pavement.

E. "Container service" means the type of refuse removal consisting of containers ranging from one cubic yard to fifty cubic yards, typically for large volume refuse generators.

F. "Contract" means the written agreement covering the performance of the work, including, but not limited to, the formal agreement, and special provisions, affidavits and certificates of equal opportunity employment, certificate of worker's compensation insurance, the proposal, contract specifications and performance bond.

G. "Contractor" means the individual, partnership, corporation, joint venture or other legal entity entering into a contract with the city to perform the work. When modified by the phrase "as constituted," it means the partnership, corporation or other legal entity as organized and existing, with the same majority shareholder, as determined at the time of the execution of a contract between the contractor and the city.

H. "Disposal site" means and includes the place, location, tract of land, area or premises in use, intended to be used, or which has been used for the landfill disposal of solid wastes.

I. "Garden (green) waste" means refuse consisting of grass, leaves, wood-chips, green plants, weeds, tree branches and garden trimmings.

J. "Industrial customer" means all manufacturing enterprises as defined by STANDARD INDUSTRIAL CLASSIFICATION MANUAL, Division D Manufacturing, who generate industrial waste within the city limits except commercial customers. The city manager or other designee shall determine whether a customer is "industrial" or "commercial".

K. "Industrial waste" means solid waste originating from manufacturing facilities and factories within the city limits including construction and demolition projects. Industrial waste also means solid waste produced by any person, firm or corporation primarily engaged in the business of processing and manufacturing for the purpose of wholesale rather than for direct sale to the domestic consumer.

L. "Multi-cart service" means the type of refuse removal design+ for source separating into three carts. One cart for non-recyclable materials and non-green waste, one cart for recyclable materials and one cart for green waste. This type of service is generally for lower volume refuse generators with carts of less than one hundred gallons.

M. "Recycling" means the process by which salvaged materials become usable products.

N. "Refuse" means any and all discarded items and substances of every kind, including salvageable or recyclable materials, and garden (green) wastes, but not including sewage, septic tank contents, infectious wastes, or hazardous wastes as defined by state and/or federal law.

O. "Removal" means the act of taking solid wastes from the place of waste generation either by an approved collection agent or by a person in control of the premises.

P. "Residential customer" means all residences within the city limits including single-family and multi-family dwellings.

Q. "Subcontractor" means the individual, partnership or corporation or other legal entity entering into a contract with the contractor to perform a portion of the work.

R. "Transfer station/resource recovery facility" means and includes those facilities utilized to receive solid wastes, temporarily store, separate, convert or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport to their final place of disposition. (Ord. 1709 § 1 (part), 2002)

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13.16.010 Definitions.

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B. "Collection vehicle or equipment" means and includes any vehicle or equipment used in the collection of residential refuse or commercial or industrial solid wastes.

C. "Commercial customers" means all commercial (non-manufacturing) enterprises within the city limits except industrial customers

D. "Construction/Demolition waste" means used or discarded materials generated within the city limits during the construction, remodeling, renovation or demolition on residential and commercial buildings and any other structure or pavement.

E. "Container service" means the type of refuse removal consisting of containers ranging from one cubic yard to fifty cubic yards, typically for large volume refuse generators.

F. "Contract" means the written agreement covering the performance of the work, including, but not limited to, the formal agreement, and special provisions, affidavits and certificates of equal opportunity employment, certificate of worker's compensation insurance, the proposal, contract specifications and performance bond.

G. "Contractor" means the individual, partnership, corporation, joint venture or other legal entity entering into a contract with the city to perform the work. When modified by the phrase "as constituted," it means the partnership, corporation or other legal entity as organized and existing, with the same majority shareholders, as determined at the time of the execution of a contract between the contractor and the city.

H. "Disposal site" means and includes the place, location, tract of land, area or premises in use, intended to be used, or which has been used for the landfill disposal of solid wastes.

I. "Garden (green) waste" means refuse consisting of grass, leaves, wood chips, green plants, weeds, tree branches and garden trimmings.

J. "Industrial customer" means all manufacturing enterprises located within the city limits, except those designated as "Industrial Classification Manual, Division D Manufacturing," who generate industrial waste within the city limits except commercial customers. The city manager or other designee shall determine whether a customer is "industrial" or "commercial".

K. "Industrial waste" means solid waste originating from manufacturing facilities and factories within the city limits including construction and demolition projects. Industrial waste also means solid waste produced by any person, firm or corporation primarily engaged in the business of processing and manufacturing for the purpose of wholesale rather than for direct sale to the domestic consumer.

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O. "Removal" means the act of taking solid wastes from the place of waste generation either by an approved collection agent or by a person in control of the premises.

P. "Residential customer" means all residences within the city limits, including single-family and multi-family dwellings.

Q. "Subcontractor" means the individual, partnership or corporation or other legal entity entering into a contract with the contractor to perform a portion of the work.

R. "Transfer station resource recovery facility" means and includes those facilities utilized to receive solid waste, temporarily store, separate, convert or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport to their final place of disposition. (Ord. 1709 § 1 (part), 2002)

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LODI AMENDING LODI MUNICIPAL CODE CHAPTER 13.16,
"SOLID WASTE," BY REPEALING AND REENACTING SECTION
13.16.010 DEFINITIONS

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

Section 1. Lodi Municipal Code Chapter 13.16, "Solid Waste," is hereby amended by repealing and reenacting Section 13.16.010 Definitions and shall read as follows:

13.16.010 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, the following definitions apply:

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- C. "Commercial customers" means all commercial (non-manufacturing) enterprises within the city limits except industrial customers.
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- I. "Garden (green) waste" means refuse consisting of grass, leaves, wood chips,

green plants, weeds, tree branches and garden trimmings.

- J. "Industrial customer" means all manufacturing enterprises who generate industrial waste within the city limits except commercial customers. The city manager or other designee shall determine whether a customer is "industrial" or "commercial".
- K. "Industrial waste" means solid waste originating from manufacturing facilities and factories within the city limits including construction and demolition projects. Industrial waste also means solid waste produced by any person, firm or corporation primarily engaged in the business of processing and manufacturing for the purpose of wholesale.
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Section 2 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. In the event that any portion of this Ordinance is determined to be invalid or illegal then the entire Ordinance will be repealed and reenacted back to its form prior to September 21, 2005.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel," a daily

newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect 30 days from and after its passage and approval.

Approved this ____ day of July, 2008.

Attest:

JOANNE MOUNCE
Mayor

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held July 16, 2008, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2008, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor of the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney

CITY COUNCIL

JOANNE L. MOUNCE, Mayor
LARRY O. HANSEN,
Mayor Pro Tempore
SUSAN HITCHCOCK
BOB JOHNSON
PHIL KATZAKIAN

CITY OF LODI
PUBLIC WORKS DEPARTMENT

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P.O. BOX 3006
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EMAIL pwdepl@lodi.gov
http://www.lodi.gov

BLAIR KING
City Manager
RANDI JOHL
City Clerk
D. STEVEN SCHWABAUER
City Attorney
F. WALLY SANDELIN
Public Works Director

July 7, 2008

Central Valley Waste Services
Mr. Thom Sanchez
P.O. Box 241001
Lodi, CA 95241

SUBJECT: Introduce Ordinance Repealing and Reenacting Lodi Municipal Code **13.16**
Pertaining to Solid Waste

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, July **16, 2008**. The meeting will be held at **7 p.m.** in the City Council Chamber, Carnegie Forum, **305** West Pine Street.

This item is on the regular calendar for Council discussion. You are welcome to attend.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box **3006**, Lodi, California, **95241-1910**. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, **221** West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Randi Johl, City Clerk, at **333-6702**.

If you have any questions about the item itself, please call me at **333-6709**.



for: F. Wally Sandelin
Public Works Director

FWS/pmf

Enclosure

cc: City Clerk